

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

B.L. a minor, by her father, LAWRENCE
LEVY, and her mother, BETTY LOU
LEVY,

Plaintiffs,

v.

MAHANOEY AREA SCHOOL DISTRICT,

Defendant.

CIVIL ACTION NO. 3:17-CV-1734

(JUDGE CAPUTO)

ORDER

NOW, this 5th day of October, 2017, **IT IS HEREBY ORDERED** that:

- (1) Plaintiffs' Motion for a Preliminary Injunction is **GRANTED**;
- (2) Defendant, together with its representatives, agents, servants, and all others acting on its behalf or in concert with it, are hereby **ENJOINED** and **RESTRAINED**, until further Order of the Court, from:
 - (a) enforcing the Cheerleading Rules pertaining to out-of-school speech against Plaintiff B.L.; and
 - (b) excluding Plaintiff B.L. from the cheerleading squad on account of her out-of-school speech.
- (3) This injunction issues because:
 - (a) It is likely that Plaintiffs will succeed on the merits of their claim that the District's Cheerleading Rules and punishment of Plaintiff B.L. for her private, out-of-school speech violate Plaintiffs' First Amendment rights;
 - (b) Substantial and irreparable injury to Plaintiffs will follow unless this order is entered;
 - (c) Greater injury will be inflicted upon Plaintiffs by the denial of the requested relief than will be inflicted upon Defendant by the granting of preliminary relief; and

- (d) The public interest will be served by the injunction.
- (4) This being a non-commercial case involving a relatively small amount of money, Plaintiffs shall not be required to provide security pursuant to FED.R.CIV.P. 65(c).

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge